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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/909,094

07/20/2001

Ifay F. Chang

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07/27/2005

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Katonah, NY 10536

EXAMINER

PHAN, TRI H

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

571

Office Action Summary	Application No. 09/909,094	Applicant(s) CHANG, IFAY F.	
	Examiner Tri H. Phan	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/20/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1-4, 6-7, 9, 12, and 14-20 are objected to because of the following informalities:

In regard to claim 1, line 10, it recites the limitation “the said server computer(s)”.

Applicant is suggested to use either the word “the” or “said” for clarity. Same problems exist in claim 2, lines 6 and 7; claim 3, lines 8 and 9; claim 4, line 3, 6 and 7; claim 6, lines 3 and 5; claim 7, lines 2, 6 and 8; claim 9, line 1; claim 12, lines 3, 4 and 6; claim 14, lines 2 and 4; and claim 16, line 9.

Also in claim 1, line 16, the word “Said” in front of the term “server computers” should not be in capital.

2. Claims 14-15 and 17-20 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 14-15 and 17-20 have not been further treated on the merits.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2661

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 6-16 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Regarding claim 1, the limitation “*cluster of multiple units, any number to millions, working*” (lines 16-17) and the limitation “*not limited to*” (line 11) are vague and indefinite because it appears to raise in question as to the limit of the claim scope (for example, if the number is a ‘negative number’ and what the limit for the input desired data); therefore, the examiner is unclear and do not know what the metes and bounds of “*any number to millions*” are and the limit of the input desired data; and the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Same problems exist in claim 8, line 43 with “*any number*”; claim 9, line 2 with “*any specified number*”; claim 13, lines 3 with “*any code*” and line 4 with “*any combination of such code*”; claim 15, lines 2-3 with “*any of the following means*” and lines 7-8 with “*any specific merchant*” and “*any merchant*”.

Same problem exists in claim 16, lines 9-10 with the limitation “input desired data not limited to”.

- In regard to claim 2, line 5, it recites the limitation “*said server software program*”. There is insufficient antecedent basis for this limitation in the claim 2, nor in the parent claim

Art Unit: 2661

(claim 1). Same problem exists in claim 3, line 7, with the limitation “*said server software program*”.

Also in claim 2, line 11, the term “*such as*” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Same problems exists in claim 3, line 14; claim 6, line 7; claim 8, line 4; claim 13, line 3; claim 15, line 3; claim 20, line 2.

- Regarding claim 6, lines 3 and 5, the term “*can be*” is vague and indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention or not, and the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Same problems exist in claim 7, lines 3, 6 and 8; claim 8, line 47; claim 9, line 2; claim 10, line 4; claim 12, line 6; claim 13, line 6; claim 15, line 2.

Also in claim 6, lines 4 and 6, the term “*as well*” recited in claim appears to raise in question as to the limit of the claim scope. Same problems exist in claim 13, line 2; claim 16, line 22.

- In regard to claim 8, line 28, the recitation “...*the registrant's ID*...” is vague and unclear whether the limitation refers to “the registrant is ID” or “the ID of the registrant”. Same problems exist in claim 11, line 12 with “*merchant's own ad image file*”; claim 15, line 8 with “*merchant's web page*”; and claim 18, line 2 with “*merchant's web page*”.

- Regarding claim 9, line 5, the end period “.” is missing; therefore, the sentence is vague and unclear completed or not. Also in claim 9, line 1, the limitation “*system*” is unclear to belong to the system or method claims (claims 1 or 8) and what “*specifications in accordance of claims 1-7*” are included in the invented claim; therefore, the invented claim is vague and indefinite.

- In regard to claim 11, line 4, the limitation “*said system*” is vague and indefinite because the examiner is unclear and do not know what “*system*” the claimed invention is referred to.

Also in claim 11, line 15, the recitation “*any part of the entire procedures*” is vague and indefinite because it is unclear whether the “*any part*” are part of the claimed entire procedures.

- Regarding claim 14, lines 2 and 4, the recitation “*said program*” is vague and indefinite because the examiner is unclear and do not know what “*program*” the claimed invention is referred to.

- In regard to claim 15, lines 2, 6 and 7, the recitation “*the program*” is vague and indefinite because the examiner is unclear and do not know what “*program*” the claimed invention is referred to.

- Regarding claim 19, line 2, the claimed invention “*A method ... in accordance of claim 16* comprises part of the methods in *claim 8* ...” is vague and indefinite because it is unclear the

Art Unit: 2661

claimed invention is belonged to the method or system claims (claim 8 or 16) and what “*part of the methods in claim 8*” are included in the invented claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Elliott et al.** (U.S.6,614,781; hereinafter refer as ‘**Elliott**’).

- In regard to claim 1, **Elliott** discloses in Figs. X-Y and in the respective portions of the specification about *the network-based voice communication system comprising the voice communication server computer(s) and the call agent computer(s) interconnected by the computer network* (For example see Fig. 1; Abstract; col. 18, lines 6-13), *the server computer* (‘gateway sites’; For example see Fig. 1; col. 19, lines 25-58) *being downloaded with VOIP server software* (‘soft witch application software’) *to receive VOIP calls, and to terminate the calls at the ordinary phone via the termination device* (For example see col. 31, lines 54-58; col. 32, lines 5-7; wherein it is obvious that the software application are downloaded and installed within the server to perform functions such as set up, tear down and manage call), *the call agent computer* (‘IP client’; For example see Figs. 1, 6D; col. 43, lines 12-33) *being downloaded with*

Art Unit: 2661

the call agent program ('computer control logic'; For example see col. 58, line 48 through col. 59, line 13; wherein it is obvious that the object oriented programming disclosed in col. 57, lines 40-44 is installed within the client computer, e.g. "download" from the soft switch site, for performing the control) *to initiate a VOIP session with the server computer and to allow the caller to input desired data to entering an IP address, selecting the IP address from the directory, entering the telephone number and selecting the telephone number from the directory to facilitate a call* (For example see col. 46, lines 38-41; wherein the input desired data entered such as IP address and telephone number is obvious with the flexible set of options selected or inputted by the user through the desired program software as custom choices), *the server computer and the call agent computer forming a pair and working under client-server architecture and the pair jointly managing the VOIP session in the cluster of multiple units* ('clusters'; For example see col. 33, lines 15-19) *working under the distributed architecture* (For example see Figs. 1, 6D; col. 43, lines 12-33), *whereby the voice communication system serves the basic voice communication needs in the simple, ease-to-install, ease-to-use and ease-to-manage manner with great cost savings and productivity* (For example see col. 4, lines 23-27).

- Regarding claims 2-3, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Elliott** further discloses *wherein the server computer* ('gateway site'; For example see Fig. 2A-2) *is equipped with the full-duplex sound card with the appropriate driver supported by the computer operating system for handling digital voice transmission and processing* (For example see col. 25, lines 15-44), *wherein the server software program is programmed to handle the single communication session initiated by*

Art Unit: 2661

the call agent and to handle the VOIP traffic with communication interface to the standard protocols and voice interface to the sound card to process voice signal, analog to digital and vice versa, and voice compression and decompression using CODEC module (For example see Fig. 11A-B; col. 67, lines 11-52), wherein protocol standards is selected from the family of VOIP communication protocols such as H.323/H.245, RTP/RTCP and SIP (For example see Figs. 58A-B, 59; col. 44, lines 26-36) and wherein the CODEC code is selected from the family of G723.1, G729, GSM, H261, H263 and G711 (For example see col. 66, lines 1-9; col. 73, lines 59-63).

- In regard to claim 4-5, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Elliott** further discloses *wherein the call agent computer* ('IP client' or 'H.323 terminals') *is multimedia enabled with the full duplex sound card, two speakers and one microphone for VOIP application* (For example see col. 44, lines 7-14; wherein the "full duplex sound card", "speakers" and "microphone" are obvious for supporting audio, video and data in audio/video conferencing, Internet phones), *wherein the call agent program is programmed to initiate the communication session with the server computer compliant to the standard communication protocols and wherein the call agent program is programmed to handle and monitor the voice session with data input, call and hang-up capabilities* (For example see col. 44, lines 15-25). **Elliott** also fails to explicitly disclose about the "web browser" and "e-mail application" at the call agent computer as claimed in the claim invention 5; however, it is inherent that the "web browser" and "e-mail application" is including at the IP client for supporting multimedia communications from Internet.

- Regarding claim 7, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Elliott** further discloses *wherein the server computers ('gateway site') connected to the specific brand of PBX system ('PBX system') to terminate the VOIP call by dialing the PBX system with less than full length of telephone number code* (For example see col. 32, lines 22-44; col. 69, lines 2-7), *wherein the server computers connected to the VOIP gateway device ('network access devices') to terminate the voice session at a time* (For example see col. 5, lines 25-40; col. 32, lines 5-24; col. 69, lines 2-7) *and wherein the server computers can be connected to the voice modem to terminate the dedicated voice session* (For example see col. 5, lines 25-40; col. 7, lines 20-24; col. 19, lines 44-52).

Allowable Subject Matter

7. Claim 6 would be allowable if rewritten or amended to overcome the objection and rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 8 and 16 would be allowable if rewritten or amended to overcome the objection and rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

House et al. (U.S.6,732,172 and U.S.6,826,695), **Bradford et al.** (U.S.6,681,330) and **Payne** (U.S.5,715,314) are all cited to show devices and methods for improving the business and

Art Unit: 2661

commerce distribution in telecommunication architectures, which are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300.

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2661

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Tri H. Phan', with a long horizontal stroke extending to the right.

Tri H. Phan
July 22, 2005

A handwritten signature in black ink, appearing to read 'Brian Nguyen', with a long horizontal stroke extending to the right.

BRIAN NGUYEN
PRIMARY EXAMINER